



W.P(MD).No.16073 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.16073 of 2023

Nithya Kalyani

... Petitioner

Vs

- 1.The Joint Director (Secondary Education),
DPI Campus,
Chennai-6.
- 2.The Chief Educational Officer,
Tirunelveli District.
- 3.The District Educational Officer,
Cheranmadevi,
Tirunelveli District.
- 4.The Secretary,
Sri Ramaseshaiyyer Higher Secondary School,
Pathamadaai,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a writ of Mandamus to direct the second respondent



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to consider and pass orders on the proceedings of the first respondent dated 23.10.2020 and the proceedings of the third respondent dated 26.07.2022 within stipulated time and to grant exemption from TET to the petitioner.

For Petitioner : Mr.T.Augustine Ebenezer

For Respondents : Mr.Ramesh Arumugan
Government Advocate
for R1 to R3

ORDER

This Writ Petition has been filed seeking for a direction to the second respondent to consider the proceedings of the first respondent dated 23.10.2020 and the proceedings of the third respondent dated 26.07.2022 and pass orders.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

3. The fourth respondent is an aided private school and receiving grant-in-aid from the Government. One Rathakrishnan, who was working as BT Assistant(Science), was promoted to the post of PG Teacher and



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therefore, a vacancy in the post of BT Assistant(Science) arose in the fourth respondent School. After following due process of law, the petitioner was appointed as BT Assistant (Science) and the petitioner's appointment was approved by the third respondent on 09.05.2012 and the petitioner is receiving salary from grant-in-aid. While so, the Director of School Education has passed an order dated 18.11.2013 cancelling the approval of the appointment of the petitioner in the post of BT Assistant(Science). Based on the said order, the respondents 2 and 3 on 07.11.2013 and 11.11.2013 passed similar order. Challenging the same, the petitioner has filed a writ petition in W.P(MD).No.19134 of 2013 and obtained an order of interim stay on 27.11.2013 and the same is pending. In the meantime, the first respondent, vide proceedings dated 23.10.2020, directed the second respondent to consider the petitioner's claim for exempting him from TET by considering the proposal sent by the fourth respondent on 27.05.2020. Subsequently, the third respondent has also recommended the second respondent to exempt the petitioner from TET vide proceedings dated 26.07.2022. However, the said recommendations are pending before the second respondent. Hence, the present writ petition has been filed.



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4. The learned Government Advocate appearing for the official respondents submits that the recommendations of the first and the third respondents would be considered by the second respondent within a period of 12 weeks.

5. Considering the submission made by the learned Government Advocate appearing for the official respondents, this Writ Petition is disposed of directing the second respondent to consider the proceedings of the first respondent dated 23.10.2020 and the proceedings of the third respondent dated 26.07.2022 and pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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Index : No.
Internet : Yes.
ssb



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To

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L.VICTORIA GOWRI,J

ssb

Order made in
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25.07.2023